

98TH CONGRESS
1ST SESSION

H. R. 2760

To amend the Intelligence Authorization Act for Fiscal Year 1983 to prohibit United States support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 1983

Mr. BOLAND (for himself and Mr. ZABLOCKI) introduced the following bill; which was referred jointly to the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs

A BILL

To amend the Intelligence Authorization Act for Fiscal Year 1983 to prohibit United States support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 *That the Intelligence Authorization Act for Fiscal Year 1983*

1 is amended by adding at the end thereof the following new
2 title:

3 "TITLE VIII—PROHIBITION ON COVERT ASSIST-
4 ANCE FOR MILITARY OPERATIONS IN NICA-
5 RAGUA; AUTHORIZATION OF OVERT INTER-
6 DICTION ASSISTANCE

7 "PROHIBITION ON COVERT ASSISTANCE FOR MILITARY
8 OPERATIONS IN NICARAGUA

9 "SEC. 801. (a) None of the funds appropriated for fiscal
10 year 1983 or 1984 for the Central Intelligence Agency or
11 any other department, agency, or entity of the United States
12 involved in intelligence activities may be obligated or expend-
13 ed for the purpose or which would have the effect of support-
14 ing, directly or indirectly, military or paramilitary operations
15 in ~~or against~~ Nicaragua by any nation, group, organization,
16 movement, or individual.

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(HPSCI language
differs in
format, but not
substance)

17 This section shall take effect upon the da
18 ~~"(b) This section shall take effect 30 days after the date~~
~~prescribed in the classified annex to the report~~
~~the Permanent Select Committee on Intelligence as~~
~~the House of Representatives to accompany the bill H.R.~~
~~the enactment of this section~~

19 "AUTHORIZATION OF OVERT INTERDICTION ASSISTANCE 2760
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20 "SEC. 802. (a) The Congress finds that—

21 "(1) in the absence of a state of declared war, the
22 provision of military equipment to individuals, groups,
23 organizations, or movements seeking to overthrow gov-
24 ernments of countries in Central America violates in-
25 ternational treaty obligations, including the Charter of

1 the United Nations, the Charter of the Organization of
2 American States, and the Rio Treaty of 1949; and

3 "(2) such activities by the Governments of Cuba
4 and Nicaragua threaten the independence of El Salva-
5 dor and threaten to destabilize the entire Central
6 American region, and the Governments of Cuba and
7 Nicaragua refuse to cease those activities.

8 "(b) The President is authorized to furnish assistance,
9 on such terms and conditions as he may determine, to the
10 government of any friendly country in Central America in
11 order to provide such country with the ability to prevent use
12 of its territory, *to prevent to the extent permitted by international law* or the use of international territory, for the
13 transfer of military equipment from or through Cuba or Nica-
14 ragua, *or any other country or agents of that country* to any individual, group, organization, or movement
15 which the President determines seeks to overthrow the gov-
16 ernment of such friendly country or the government of any
17 other country in Central America. Assistance under this sec-
18 tion shall be provided openly, and shall not be provided in a
19 manner which attempts to conceal United States involvement
20 in the provision of such assistance.

21 "(c) Assistance may be provided to a *friendly* foreign country
22 under this section only if that country has agreed that it will
23 not use any assistance provided by the United States under
24 this section, the Foreign Assistance Act of 1961, or the
25 Arms Export Control Act to destabilize or overthrow the

1 government of any country in Central America and will not
2 make any such assistance available to any nation, individual,
3 group, organization, or movement which seeks to destabilize
4 or overthrow any such government.

5 “(d) At least 15 days before providing assistance to a
6 foreign country under this section, the President shall submit
7 an unclassified report which describes the proposed assist-
8 ance to the Speaker of the House of Representatives and to
9 the chairman of the appropriate committees of the Senate.

10 “(e) There is authorized to be appropriated to the Presi-
11 dent to carry out this section \$30,000,000 for the fiscal year
12 1983 and \$50,000,000 for the fiscal year 1984.”.

H.F.C. → (f) Funds to carry out this section shall be made available for any friendly country in Central America only for the purpose of interdicting the transfer of military equipment to any country in Central America.

On page 2, delete line 17 and everything thereafter and insert in lieu thereof the following:

“(b) This section shall take effect upon the date prescribed in the classified annex to the Committee report accompanying this bill, but in no event earlier than October 1, 1983, unless the President shall, after consultation with Congress, submit to the Speaker of the House and the President pro tempore of the Senate in writing a new plan providing for the interdiction of arms being shipped from or through Nicaragua to forces hostile to the Government of El Salvador. In formulating such plan, the President shall consider whether it would be useful to pursue direct bilateral negotiations between the United States and the Government of Nicaragua; multilateral negotiations among selected Western Hemispheric countries; involving the Organization of American States, the United Nations, and/or any other nation or nations in a diplomatic or peacekeeping role; involving other countries in the process of arms interdiction using American military supplies and training; and any other policy that will stop the shipment of arms from Nicaragua to El Salvador. Any plan submitted pursuant to this subsection shall not take effect if the Congress, by concurrent resolution, disapproves such plan. A resolution under this subsection

shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976. For the purpose of expediting the consideration and adoption of resolutions under this subsection, a motion to proceed to the consideration of such a resolution after it has been reported by the Permanent Select Committee on Intelligence shall be treated as highly privileged in the House of Representatives. If the Permanent Select Committee on Intelligence has not reported a resolution under this subsection within ten days after such resolution is referred to that committee (excluding days on which either House is not in session because of an adjournment of more than three days to a day certain), it shall be in order to move to discharge that committee from further consideration of that resolution, except that no motion to discharge shall be in order after the committee has reported a resolution to the same effect as that resolution. A motion to discharge under this subsection is highly privileged in the House of Representatives."

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"MODIFIED ZSCHAU AMENDMENT"

On page 2, delete line 17 and all that follows, and substitute in lieu thereof the following:

"(b) This section shall take effect upon the date prescribed in the classified annex to the report of the Permanent Select Committee on Intelligence accompanying the Bill H.R. 2760 (98th Congress), but in no event earlier than October 1, 1983, unless the President shall, after consultation with the Congress, submit to the Speaker of the House and the President pro tempore of the Senate in writing a new plan to bring about the cessation of Nicaraguan activities which are threatening the stability of countries in Central America. In formulating such plan, the President shall consider whether it would be useful to pursue direct bilateral negotiations between the United States and the Government of Nicaragua; multilateral negotiations among selected Western Hemispheric countries; involving the Organization of American States, the United Nations, and/or any other nation or nations in a diplomatic or peacekeeping role; involving other countries in the process of arms interdiction using American military supplies and training; and any other policy that will help achieve the goals of the plan. Any plan submitted pursuant to this subsection shall not take effect if the Congress, by joint resolution, disapproves such plan. A resolution under this subsection shall be considered in the Senate in accordance with the

provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976. For the purpose of expediting the consideration and adoption of resolutions under this subsection, a motion to proceed to the consideration of such a resolution after it has been reported by the Permanent Select Committee on Intelligence shall be treated as highly privileged in the House of Representatives. If the Permanent Select Committee on Intelligence has not reported a resolution under this subsection within ten days after such resolution is referred to that Committee (excluding days on which either House is not in session because of an adjournment of more than three days to a day certain), it shall be in order to move to discharge that committee from further consideration of that resolution, except that no motion to discharge shall be in order after the committee has reported a resolution to the same effect as that resolution. A motion to discharge under this subsection is highly privileged in the House of Representatives.

"(c) If the Congress should by joint resolution disapprove a new plan submitted by the President under subsection (b) of this section, then all activities subject to this section shall be suspended, except as provided in subsection (d) of this section.

"(d) If a joint resolution of disapproval is enacted with respect to a proposed new plan, the President shall have ninety days in which to submit a revised plan. Any revised plan submitted by the President shall be treated by Congress in accordance with subsection (b) of this section and shall not become effective if the Congress by joint resolution disapproves such a revised plan. In the event of such disapproval, all activities subject to this section shall be suspended in a reasonable time consistent with the protection of life and with the interests of the United States."

"SEC. 802. Nothing in this title shall be construed to affect the powers and duties of the President of the United States to act to safeguard the national security of the United States or to fulfill its treaty obligations."

AMENDMENT
TO H.R. 2760

On page 2, strike lines 9 through 18 inclusive and insert in lieu thereof the following:

"SEC. 801. (a) Except as otherwise provided in subsections (b) and (c) of this section, funds appropriated for fiscal year 1984 for the Central Intelligence Agency or any other department, agency, or entity of the United States involved in intelligence activities may not be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement or individual.

(b) The provisions of subsection (a) of this section shall not take effect until the President reports to the Congress --

(1) that the Government of Nicaragua (A) has ceased and desisted from any activity, including the importation of offensive arms, the shipment of arms to insurgent forces in other countries, and the provision of training, command and control facilities or logistical support to such forces, which threatens the independence or integrity of El Salvador or any other nation in the region or which

the Organization of American States, and (B) has agreed with the nations of the region to reciprocal and verifiable agreements on the withdrawal of all foreign military advisers and trainers, renunciation of the importation of heavy offensive weapons, and the end of support for insurgencies in the territory of neighboring countries;

(2) that the Government of Nicaragua has proclaimed and observed a general amnesty for the members of opposition or resistance groups, including observance of their right to full and peaceful participation in political processes without retribution or hindrance; and

(3) that the Government of Nicaragua has agreed to negotiate in good faith with the nations of the region the principles reaffirmed in the San Jose Final Act of October 4, 1982.

(c) The President may withdraw the report described in subsection (b) of this section by notification to the Congress that Nicaragua has materially breached any of the conditions set forth in subsection (b). In the event of such a notification, the provisions of subsection (a) of this section shall be suspended until the President reports that the breach has been corrected and that the Government of Nicaragua is again in full compliance with the conditions set forth in subsection (b)."